



14-CV-0414  
NO. \_\_\_\_\_

**DEBRA WASHINGTON**  
Plaintiff,

V.

**STRENGTH OF NATURE GLOBAL,  
LLC**  
Defendant.

§ IN THE DISTRICT COURT  
§ Galveston County - 405th District Court  
§  
§ \_\_\_\_\_ JUDICIAL DISTRICT  
§  
§  
§ OF GALVESTON COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES Debra Washington, hereinafter called Plaintiff, complaining of and about Strength of Nature Global, LLC, hereinafter called Defendant, and for cause of action shows unto the Court the following:

**DISCOVERY CONTROL PLAN LEVEL**

Plaintiff intends that discovery be conducted under Discovery Level 2.

**PARTIES AND SERVICE**

Plaintiff, Debra Washington, is an Individual whose address is 2311 71<sup>st</sup>, #114 Galveston TX 77551. The last three numbers of Debra Washington's driver's license number are 867 and the last three digits of her Social Security number are 871.

Defendant Strength of Nature Global, a Limited Liability Corporation based in Georgia and may be served with process pursuant to Section 17.022 of the Texas Civil Practice and Remedies Code by serving, Strength of Nature Global, LLC, 64 Ross Road, Savannah, Georgia 31405. Service of said Defendant as described above can be effected by personal delivery.

**JURISDICTION AND VENUE**

Venue is proper in Galveston County, Texas because the Defendant conducted business

in Galveston County, Texas by selling its product in Galveston County Texas at the time of the occurrence and because all or a significant portion of the events giving rise to this cause of action accrued in Galveston County, Texas. Jurisdiction is proper in this Court because Plaintiff has suffered damages within the jurisdiction limits of this Court.

Jurisdiction is proper because the damages sought are within the jurisdictional limits of this Court. Plaintiff affirmatively pleads that she seeks monetary relief over \$200,000.00 but not more than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

#### **LIABILITY FACTS**

On April 8, 2012, Ms. Washington applied African Pride Olive Miracle Condition Anti-Breakage No-Lye Relaxer to her hair, with the produce code "802535410053." This product was manufactured by Strength of Nature Global, LLC. At the time, her hair and scalp were healthy. She had not previously treated, bleached, or colored her hair prior to application. Her hair had been relaxed four months prior to this application, and she was applying the product to new-growth hair. She left the product in her hair for eight minutes before rinsing it out and applying the neutralizing shampoo and conditioner provided with the product. Afterwards, her scalp felt sore and she began experiencing pain, which worsened every day.

On Thursday, April 12, 2012, Ms. Washington showed signs of severe chemical burns. On Friday, April 13, 2012, her scalp began oozing pus and the pain prevented her from falling asleep. The burn continued to worsen. On Sunday, April 15, 2012, Ms. Washington sought medical attention at West Isle Urgent Care in Galveston, Texas. On Monday, April 16, 2012, Ms. Washington again sought medical treatment at UTMB Emergency Room.

The warnings on the package of African Pride Olive Miracle Conditioning Anti-Breakage

and No-Lye Relaxer and the accompanying insert are inadequate. The Product states "this product contains alkali" on the package and in the written instructions insert inside the package, but do not give any additional warning about the caustic effects of alkali. The front of the box gives no warning or indication about alkali, and only advertises that the product is a "no-lye" relaxer, representing directly and indirectly that the product is not harmful to its consumers.

In hair care products, the FDA has received complaints about scalp irritation related to both lye and "no-lye" relaxers. "No-lye" relaxers are still caustic and contain ingredients that work by breaking chemical bonds of the hair, and can burn the scalp. Alkaline substances with a pH higher than 8 can be very irritating to the skin, and exposing skin to an alkaline substance can make it more vulnerable to irritation and infection, and there are safer alternative designs. This product was tested by the Texas Research Institute for Environmental Studies who found the product to have a pH greater than 8. The potential and probable effects of concentrated alkali in this product are not stated anywhere on the package and therefore failed to warn consumers such as Ms. Washington of the dangerous effects of this product.

In addition to the failure to warn and/or inadequate warning, this product presents an image of olive leaves, and list of natural ingredients such as African Shea butter, olive oil, and herbal oil extracts. From the cover alone, a consumer would infer the product contains natural ingredients and no harmful chemicals.

#### **PRODUCT LIABILITY**

Plaintiff incorporates the Liability Facts above as if incorporated herein.

##### **Defective Design**

There was a design defect in African Pride Olive Miracle Condition Anti-Breakage No-Lye Relaxer when it left the Defendant manufacturer. More specifically, African Pride Olive

Miracle Condition Anti-Breakage No-Lye Relaxer design consisted of a highly acidic product that rendered it unreasonably dangerous as designed for its intended user, taking into consideration the utility of the product and the risk involved. Safer alternative designs were available and known to the Defendant.

**Marketing Defect**

African Pride Olive Miracle Condition Anti-Breakage No-Lye Relaxer had a marketing defect at the time it left the Defendant manufacturer. There were not adequate warnings of the product's dangers that were known or by the application of reasonably developed human skill and foresight should have known. The Defendant failed to give adequate instructions to avoid such dangers. These lack of warnings and instructions rendered the product unreasonably dangerous. The manufacturing defect rendered African Pride Olive Miracle Condition Anti-Breakage No-Lye Relaxer dangerous to an extent beyond that which would be contemplated by the ordinary user of the product, with the ordinary knowledge common to the community as to the product's characteristics. The above referenced marketing defect was a producing cause of the injury made the basis of the lawsuit.

**NEGLIGENCE**

Plaintiff incorporates the Liability Facts above as if incorporated herein. The Defendant was negligent in the design, manufacture and marketing of African Pride Olive Miracle Condition Anti-Breakage No-Lye Relaxer for the facts stated above. The Defendant's negligence was a proximate cause of the injuries to the Plaintiff.

**DAMAGES**

As a direct and proximate result of the defective design and manufacturing of the product referenced herein as well as the negligence of the Defendant and Breach of Warranty claims

stated herein, Plaintiff Debra Washington was caused to suffer, and has incurred the following damages:

- A. Reasonable medical care and expenses in the past;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;
- E. Disfigurement in the past;
- F. Disfigurement in the future;
- G. Mental anguish in the past;
- H. Mental anguish in the future; and
- I. Cost of medical monitoring and prevention in the future.

#### **EXEMPLARY DAMAGES**

Defendant Strength of Nature Global acts or omissions described above, when viewed from the standpoint of Defendant Strength of Nature Global at the time of the manufacture and distribution of subject product involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff and others. Defendant Strength of Nature Global had actual, subjective awareness of the risk involved in the above described acts or omissions, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of Plaintiff and others. Based on these facts, Plaintiff requests exemplary damages be awarded to Plaintiff from Defendant Strength of Nature Global.

#### **REQUEST FOR DISCLOSURE**

Pursuant to TEX. R. CIV. P. 194, Plaintiff requests that Defendant produce within 50 days of service of this document, the information and material described in Rule 194.2(a)-(l).

**JURY DEMAND**

Pursuant to the Texas Rules of Civil Procedure, Plaintiff hereby requests a jury trial and the jury fee is being paid at the time of this filing.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff, Debra Washington, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; exemplary damages, excluding interest, and as allowed by Sec. 41.008, Chapter 41, Texas Civil Practice and Remedies Code; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

THE HERRINGTON LAW FIRM, P.C.

By: 

Catherine Herrington Hale  
Cathy@herringtonlawfirm.com  
SBN 24003237  
405 Main St., Suite 600  
Houston, Texas 77002  
713-227-0050 Telephone  
713-227-0039 Facsimile  
ATTORNEY FOR PLAINTIFF